

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

February 02, 2018
David J. Bradley, Clerk

REPORT AND RECOMMENDATION

Before the Court, by referral pursuant to 28 U.S.C. §636(b), is the matter of the re-arraignment of Peggy Ann Fulford, Defendant in this action. The Court, having addressed Defendant personally in open court, now submits its Report and Recommendation.

On February 1, 2018, Defendant, Peggy Ann Fulford, appeared with counsel before the undersigned Magistrate Judge for the purpose of entering a guilty plea to Count 4 of the Indictment, charging her with Interstate Transportation of Stolen Property, in violation of 18 U.S.C. § 2314.

Defendant, Peggy Ann Fulford, consented *in writing* to plead guilty before a United States Magistrate Judge. After conducting this proceeding in the form and manner prescribed by Rule 11 of the Federal Rules of Criminal Procedure, this Court makes the following findings of fact:

1. Defendant Fulford, after consultation with counsel of record and with the approval of the Government, has knowingly and voluntarily consented to be advised of her rights and to enter a plea of guilty before a United States Magistrate Judge, subject to United States District Judge Keith Ellison's final approval and imposition of sentence.

2. Defendant Fulford is fully competent and capable of entering an informed plea.
3. Defendant Fulford is aware of the nature of the charges, the maximum punishment range, and other penalties that may be imposed at sentencing, including restitution and forfeiture.
4. Defendant Fulford understands her constitutional and statutory rights and wishes to waive those rights, including the right to plead not guilty, the right to trial, the right to appeal, and the right to collaterally attack the conviction.
5. Defendant Fulford understands that Judge Ellison, the sentencing judge, is not bound by any recommendation on sentencing either counsel for the Government or counsel for the Defendant may make to him. In addition, if the sentencing judge does not follow a recommendation on sentencing, Fulford may not withdraw her plea of guilty.
6. There is an independent basis in fact to support each of the essential elements of the offense charged in Count 4 of the Indictment, and the Defendant intended to do the acts she committed.
7. Defendant Fulford's plea of guilty is a knowingly, voluntarily, and freely made, and the Defendant understands the consequences of her plea. This is an informed plea.

Based upon the foregoing findings, it is the **RECOMMENDATION** of the undersigned that the Court **ACCEPT** the guilty plea of Defendant Peggy Ann Fulford to Count 4 of the Indictment and that Peggy Ann Fulford be adjudged guilty of the offense alleged in Count 4 of the Indictment, to wit: Interstate Transportation of Stolen Property, in violation of 18 U.S.C. § 2314.

The Clerk shall send copies of this Report and Recommendation to the respective parties who have fourteen (14) days from the receipt thereof to file written objections thereto pursuant to Federal Rule of Civil Procedure 72(b) and General Order 2002-13. Failure to file written objections within the time period mentioned shall bar an aggrieved party from attacking the factual findings and legal conclusions on appeal.

The original of any written objections shall be filed with the United States District Clerk electronically. Copies of such objections shall be mailed to opposing parties and to the chambers of the undersigned, 515 Rusk, Suite 7019, Houston, Texas 77002.

Signed on February 2, 2018, at Houston, Texas.

Dena Palermo

Dena Hanovice Palermo
United States Magistrate Judge